

Memo Endorsed
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MATTHEW ZEKANOVIC,

Plaintiff,

-against-

**AUGIE'S PRIME CUT OF
WESTCHESTER, INC., ET AL.,**

Civ. No.: 1:19-cv-08216 (KMK)(JCM)

Defendants.
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STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendant, through their undersigned attorneys who state that they have been authorized to enter into this Stipulation, that the Parties have agreed to amicably resolve any and all claims by Plaintiffs against Defendants in this action under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, § 206, and New York Labor Law § 191, § 193, § 195, § 198 and § 215, 12 N.Y.C.R.R. § 146 *et seq.* and have authorized their undersigned counsel to stipulate, consent, and agree to dismiss the instant action with prejudice to Plaintiff. The terms of the Parties' Negotiated Settlement Agreement have been reviewed and approved by the Court. No attorneys' fees or costs will be awarded to any party by the Court, except as provided therein. This Court shall retain jurisdiction to enforce the terms of the Negotiated Settlement Agreement.

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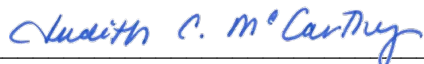
By: 
Jordan El-Hag

Dated: 05/28/2021

June 7, 2021
Dated: _____

SO ORDERED:

The Court issued an order on October 5, 2020 (the "October 5, 2020 Order"), denying without prejudice Plaintiff's motion for approval of a proposed settlement agreement (the "Agreement"). (Docket No. 36). The Court invited the parties to revise the Agreement in accordance with the Court's decision and resubmit it for the Court's review. (*Id.*). Rather than revise the Agreement, Plaintiff submitted a motion for reconsideration on October 14, 2020, which the Court denied on April 5, 2021. (Docket No. 42). Thereafter, on April 19, 2021, the parties consented to have me handle this matter for all purposes pursuant to 28 U.S.C. § 636(c). (Docket No. 45). I conducted two court conferences on April 27, 2021 and May 14, 2021, and informed the parties that I would approve a revised settlement agreement that complied with the October 5, 2020 Order. On June 4, 2021, the parties submitted a revised Negotiated Settlement Agreement (the "Revised Agreement") for the Court's review. (Docket No. 49-1). I have reviewed the Revised Agreement and find that it comports with the October 5, 2020 Order, and is the product of extensive arm's-length negotiations between able counsel. Based on my knowledge of the facts of this case, as well as consideration of the record in this case, I further find that the Revised Agreement "reflects a fair and reasonable compromise of disputed issues" under *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012) (internal quotation marks omitted). Accordingly, the Court approves the settlement and dismisses the action with prejudice. The Clerk is respectfully requested to close the case.


JUDITH C. MCCARTHY
United States Magistrate Judge